REMARKS

Claims 1-4 and 19-22 are rejected under 35 U.S.C. 103(a) over WO 97/27898 to Evard et al. (hereinafter "Evard") in view of U.S. Patent No. 5,123,917 to Lee et al. (hereinafter "Lee"). Claims 6 and 23 are rejected under 35 U.S.C. 103(a) over Evard in view of Lee and further in view of U.S. Patent No. 5,246,445 to Yachia et al. (hereinafter "Yachia"). Claims 7 and 8 are rejected under 35 U.S.C. 103(a) over Evard in view of Lee and further in view of U.S. Patent No. 5,645,559 to Hachtman et al. (hereinafter "Hachtman"). Claims 17 and 18 are rejected under 35 U.S.C. 103(a) over Evard in view of Lee and further in view of U.S. Patent No. 6,019,779 to Thorud et al. (hereinafter "Thorud"). Applicants traverse, at least for the following reasons.

Independent claim 1 recites "[a] stent for use within a body lumen of a patient, comprising: (a) a coil segment including a distal portion, a middle portion, and a proximal portion ... at least one of the distal portion and the proximal portion including at least one hook to permit connection to a delivery system, the coil segment being reducible in width ... by winding the distal portion or the proximal portion about a longitudinal axis, (b) a flexible polymer material encapsulating the coil segment and disposed between the spaced windings ... the imperforate flexible webbing comprising an outer layer and an inner layer, the outer and inner layers adhered together to encapsulate the coil segment, the imperforate flexible webbing being sufficiently pliable to twist along with the coil segment without tearing."

It is admitted at page 4 of the Office action that Evard in view of Lee does not disclose the distal and proximal portions of the coil segment including hooks. It is further asserted at page 4 of the Office action that Yachia teaches a stent with hooks at both the proximal and distal ends of the coil body for connection to a delivery system.

Evard discloses a wound coil for connecting a first anatomical lumen with a second anatomical lumen by inserting the wound coil between the first and second anatomical lumens to create a third lumen. Evard is completely silent with respect to at least one hook to permit

connection to a delivery system. In fact, the wound coil of Evard is used to connect a first anatomical lumen with a second anatomical lumen, therefore there is no reason or motivation to include at least one hook to permit connection to a delivery system capable of winding the distal or the proximal portion about a longitudinal axis to reduce the width of the coil segment.

Lee discloses an intraluminal vascular graft configured to provide support to an existing body lumen. The device disclosed in Lee is made of ring-like scaffold members held together by two layers of material. Accordingly, both the structure and the use of the device disclosed in Lee is different than that of the device disclosed in Evard. Thus, it would not have been obvious to one skilled in the art to combine the features of a device configured to provide support to an existing body lumen as disclosed in Lee (the spacing between ring-like scaffold members and the two layers of material used to hold together and enclose the ring-like scaffold members) with a wound coil used to connect a first anatomical lumen with a second anatomical lumen as disclosed in Evard. Furthermore, the ring-like scaffold members of Lee are not capable of being wound about a longitudinal axis to reduce their width.

Yachia discloses a spiral used to open and/or maintain the opening in a constricted body duct with attachment means at each end of the spiral allowing the spiral to be attached to an insertion member. The spiral disclosed in Yachia does not include a covering. Because the device disclosed in Evard is used to connect a first anatomical lumen with a second anatomical lumen, the device is inserted into the body in a different manner than the device disclosed in Yachia. In short, Evard, Lee, and Yachia are all very different and not properly combinable. Accordingly, applicants submit that amended independent claim 1 and its dependent claims are is patentable over Evard, Lee, and Yachia.

Hachtman is relied on as describing a silicone layer placed on the stent to provide a barrier that prevents the growth of tissue through the stent. Even assuming, arguendo, that Hachtman does describe such an instrument, such disclosure does not remedy the deficiencies of the primary references discussed above.

Thorud is relied on as describing a coil device for a lumen having multiple windings with the distance between the spaced windings being about 0.5 millimeters. Even assuming, arguendo, that Thorud does describe such an instrument, such disclosure does not remedy the deficiencies of the primary references discussed above.

CONCLUSION

Accordingly, it is respectfully submitted that the present application is now in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

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Respectfully submitted,
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